

The Relationship between Inmates' Length of Stay in Prison and Their Perception of Prison Reforms: A Case of Eldoret Gk Prison, Kenya

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Abstract

Prison reforms have long been seen as a requirement in prisons so as to enable prisoners live in humane conditions as they serve their terms. Various stakeholders have been involved in the advocacy of these reforms at different levels. Indeed, since 2003, the Kenyan government introduced these reforms in prisons. These reforms have led to some critics claiming that the reforms amount to turning prisons into 'holiday camps'. Interestingly, no one had taken trouble to find out how prisoners themselves perceive these reforms. Are these reforms as good as perceived by the public or there is more to them as far as implementation is concerned? This study sought to establish the relationship between Inmates' length of stay in prison and their perception of prison reforms. The Survey and causal comparative research designs were adopted in this study as quantitative research methods. Stratified and simple random sampling techniques were used to select 310 participants for the study. Data was collected by use of biographical form and questionnaires and later analyzed by both descriptive and inferential statistics by use of SPSS. Finally, the inmates imprisoned after prison reforms had a more positive perception of reforms than those who were in prison before reforms. Finally, the study recommends that urgent measures be taken to help reduce the reported congestion in the male prisons.

Keywords: Relationship, Inmates', Length of Stay, Prison, Perception, Prison Reforms.

INTRODUCTION

It has been the official government policies in years gone by that prisons are not hotels. This attitude contributed to a state where living conditions in prison became unfit even for swines. According to the Kenya Prison Service Charter 2005, one of its core functions is containment and keeping prisoners in safe custody and one of the guiding principles as promoting the dignity and worth of individuals. Prison reforms initiatives have therefore aimed at restitution of the dignity of human life to acceptable levels.

In many prisons, inmates were victims of physical abuse and excessive disciplinary action. The Kenya Prisons Service Strategic Plan 2005- 2009 aims at turning prisons into proper correctional facilities, with humane consideration rather than places of torture and punishment (Gitonga, 2008). The Kenya Human Rights Commission Report 2000 reported that the period of incarceration ought to remedy behaviour and restore a sense of self-worth of the offender. This can only be possible if an environment where the rights of prisoners are respected. Unattended to deplorable conditions of prisons and cruel, inhuman and degrading treatment violates the prisoners' human rights and impede rehabilitation of offenders (Amnesty International, 2000).

Phombeah (2003) who was allowed several hours within Nairobi prison described the deplorable living conditions of the prison, which is a replica of the other Kenyan prisons. He describes hundreds of half naked bodies pressed together on the concrete floor of their cells. Their cages filled with fetid smell of sweat, dirt and human waste. The prison holds 3,000-3,800 inmates in cells meant for three, with two mattresses and no blankets. He further describes breakfast as a mixture of boiled water and maize flour with no sugar, served in the open air grounds of the prison, thousands of inmates in tattered prison uniforms and some in civilian clothes. In one prison ward, he describes 250 squatting inmates serving short sentences crammed into one room meant for only 50 prisoners, sharing only five mattresses. He further reports that the prisoners he talked to confessed that sodomy, a criminal offence in Kenya, is common in the prison because of congestion and sleeping pressed body to body which leads to these kinds of tendencies. Violent and aggressive behaviour is also rampant and sometimes rewarded by warders.

Another research by Kenya Legal Research Foundation (2004) indicated that person inmates subjected to assault by fellow prisoners were at 31 %, sexual harassment including sodomy and forcefully introduced to sexual orientation at 5%, torture by fellow inmates at 28% and forcefully introduced to drugs and substance abuse at 30%. These deplorable living conditions especially deprivation of basic human needs can lead to a diminished sense of self-worth.

The 2003 prison reforms in Kenya revived non-custodial prison sentences such as probation and community service sentences. Non-custodial sentencing is an old concept in Kenya since it was formally started in 1946 during colonial time. It was implemented using the British model. The reason which propelled the colonial government to introduce it was the mushrooming of young delinquents due to African reserves. The

struggle for independence brought more impetus to the need for non-custodial sentences since not all who were arrested could be accommodated in the prisons and detention camps. The option of probation sentence was initially for offenders with time, it was disregarded and it became a common phenomenon to find young and petty offenders incarcerated until 2003, when it was revived.

Today, the offenders serving supervised non-custodial sentences are on average of 38,000 at any given time (Probation, 2005). A period on probation ranges between six months and three years after which the offender is expected to have reformed. The community based correctional method ensures that the offender placed under this programme is integrated in the community (The Probation Offenders Act, Chapter 64, Laws of Kenya).

The Tokyo rules of 1990 advocated for the use of probation as a non-custodial sentence in decongestion of prisons. It was further discovered that offenders didn't achieve much for they re-offended, thus it led to the introduction of community service programme, that was considered a step towards making administration of justice appear and operate humanely (Oguk, 2000). People who have committed minor offences and are first offenders may be placed on community service.

Mutitu (2001) observed that community service comprises of unpaid public work. He further stated that the sentence has obvious advantages to the community in that it is cheaper to maintain prisoners within the society instead of sending them to prison. The community is able to see the offender doing something useful to repay for their wrong doing. He concludes that instead of sentencing a person to imprisonment which costs a lot of tax payers' money, the court commutes the sentence on a certain number of hours of unpaid community work. The work done should be quantifiable, real and strenuous to amount to serving a sentence.

Given the prisons' conditions of congestion and strain on the meager resources on food, shelter, security and clothing, the Kenya government resorted to a mass off loading through the use of community service programme in mid 2005 (Probation, 2005). However, the program has not been fully evaluated and its role in decongestion of prisons and reduction of crime is still questionable (Njuguna et al, 2007).

According to the Kenya Prisons Service Charter 2005-2009, inmates can access both professional and academic courses in line with the prolonged period of time they are in prison. Inmates can learn hair and beauty skills, carpentry where they learn and sit for trade tests in various grades, computer courses and other academic and technical courses where they sit national examinations. Gerezani (2008) reported an increase in the number of inmates sitting K.C.S.E examinations, including death row victims. While in jail, prisoners learn technical skills in carpentry, upholstery, metal work, sign writing, tailoring, farming, shoe shining, plumbing among others. The training is voluntary but many inmates are encouraged to participate to acquire skills that will help them after they complete their sentences. After the training they sit for KNEC examinations and trade tests, and certificates awarded. The training is organized by the prison Welfare department.

Both male and female inmates are encouraged to use their time in prison to learn new skills, to improve their education, reform themselves and to prepare for their eventual release. Where they are involved in work, it should be work that is useful and which will equip them with skills that they can use later after their release. They should be paid wages for their work and allowed to spend part of it in prison, send part of it to their families and to save part of it for their release (Kenyan Prisons Service, 2007). Charitable organizations such as Fr. Grol's welfare projects supplies sewing machines to inmates who are about to complete their jail terms, has opened libraries in 31 prisons, has facilitated registration of 2,445 artisans sitting trade tests in upholstery, carpentry, dressmaking, metal work, welding and in business classes in 44 prisons. Forty inmates graduated at Kibos prison in Kisumu with Diplomas in theology. They were allowed privileges of a graduation day where relatives and friends shared in their joy. In 2006, a similar graduation ceremony was held at Kodiaga prison where more than 30 inmates graduated (Gerezani, 2008).

In many jails in India, inmates including hardcore criminals and women have joined various courses offered by respective state universities. Courses mainly offered include; BA, MA, MBA, and other post graduate courses. Inmates can also join classes for basic guidance. With a view of imparting vocational training, fully fledged computer training centers have been established. Inmates are also provided with training in carpentry and fabric painting. Many jails have also initiated programmes for women empowerment by training them in weaving, making toys, stitching and embroidery. Wage earning and gratuity schemes and incentives are used to reduce the psychological burden on the convicts. Seminars are organized by jail authorities to enlighten prisoners on their legal rights, health and sanitation problems, HIV / AIDS and issues of mental health, juveniles, minorities and steps to reduce violence in prisons. Open prison system has come as a very modern and effective alternative to closed imprisonment meant for hardcore criminals. All these reforms are aimed at changing the traditional and colonial outlook of the Indian prison system and also help prisoners to become more responsible, creative and potential citizens (Datir, 1978).

The Kenya government's decision to release 28 death row inmates and 195 others commuted to life sentences was a sign that Kenya would soon join other countries in abolishing capital punishment, the strongest signal that death sentences could be repealed from the law. In August 2009, 4000 death row inmates' sentences

were commuted to life imprisonment. In 2003, the government opened prison doors to reporters and human rights activist, unlike previously, when information about prison conditions was scarce. According to Human Rights organization, the previous government had denied access to verify claims of poor conditions in prisons. Most information regarding the harsh prison conditions was received from ex-convicts. Even visits by lawyers and families of Prisoners were severely restricted (Njuguna et al, 2007).

It has been found that inmates who are new to prison, but anticipate serving long sentences in prison, experience the most stress. Inmates who had received long sentences and had already served a lengthy time in prison, on the other hand, experience less stress (MacKenzie and Goodstein, 1985). This suggests that those inmates who have served time in prison develop a method of coping with the experience. Therefore, this deems the study necessary.

MATERIALS AND METHODS

The study was carried out at Eldoret GK prison. The prison was ideal for the study because of its long time existence in Rift Valley, hence probable for the study. The study employed a quantitative research method where survey and causal comparative (*Ex post facto*) design methods were used.

The research population for this study comprised all inmates at the Eldoret G.K Prison. The population comprised of 1,509 inmates of which 1,327 were male and 182 female. Of this number, the potential participants were stratified according to gender and whether they were in prison before and after prison reforms were initiated. Simple random sampling was done from each stratum according to their proportion in the population. A sample of 250 inmates was selected 220 being males and 30 females.

The research instruments used were a biographical form and a questionnaire. In this study, both descriptive (means and standard deviation) and inferential statistics (t-test and Pearson product moment correlation) were used in data analyses.

RESULTS AND DISCUSSION

The study was based on the null hypothesis which was derived from the study objective. It stated:

There is no significant relationship between inmates' length of stay in prison and their perception of prison reforms. To test this hypothesis, the respondents (inmates) were asked to respond to the items in the questionnaire measuring their perception of prison reforms. Their mean scores are as presented in Table 1 below.

Table 1: Relationship between Inmate's Length of Stay and their Perception of Prison Reforms

Perception			
Length of stay in prison	N	Mean	S.D
Before reforms	27	52.1	21.0
After reforms	223	55.2	18.2

To test whether the two mean scores were significantly different, a t-test for independent samples was conducted. The result of the analysis showed that the mean scores obtained before and after reforms were significantly different, $t(248) = 30.9$ $p < .05$. It was therefore concluded that the inmates who were imprisoned after reforms had a more positive perception of reforms than those who were imprisoned before reforms.

The study findings show that there is a change of perception from positive (Mean = 52.1) to more positive Mean = 55.2). This also shows that there is a marked change of living conditions in prisons before reforms were instituted and thereafter.

The positive perception by those imprisoned after reforms could probably be attributable to awareness created by human rights organizations and pioneer advocacy groups which all try to create positive attitudes towards liberal prison reforms by emphasizing similarities between the prison life before reforms and after reforms (Silivia, Graham & Hawley, 2005). Such awareness campaigns rendered through the mass media would have influenced the prisoners' perception of the prison conditions before and after reforms thus contributing to higher positive perception of prison conditions after reforms.

The higher positive perception of prisoners after reforms could have also been influenced by political and social reformers who attempt to change public attitudes about prison reforms. These reformers influence public opinion about prison reforms through emphasizing similarities between prisoners and the general public (Christie, 2000). The effect of emphasizing similarities depends on whether the reformer is social or political in his/her ideological orientation, but will ultimately influence the inmates' perception of prison reforms depending on the channel through which information is routed.

CONCLUSION

The study has established that the general perception of prison reforms by inmates based on length of stay; for prisoners after reforms and prisoners before reforms is positive to negative respectively. This positive perception is influenced by the inmates' comparison of the living conditions in prison with those outside prison, hence those

who came in after the reforms may have experiences better conditions than those who came before the reforms. The similarity of conditions is informed by the notions that people (inmates) feel more favourable towards similar others (those outside prison). This similarity attempts to change the prison reform attitudes from negative to more positive.

RECOMMENDATION

Emanating from the findings on length of sentence, there is need for a policy on sentencing laws. This policy will help overcome congestion, especially in male prisons. Existing policies on community punishment are not fully implemented which otherwise help to free up significant prison space for serious offenders.

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